

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

WILLIAM MAY ATHERTON,  
Plaintiff,  
v.  
OMONIYI AKINTOLA, et al.,  
Defendants.

No. 2:20-CV-0594-TLN-DMC-P

**ORDER**

Plaintiff, a prisoner proceeding pro se, brings this civil rights action under 42 U.S.C. § 1983.

On November 23, 2020, the Court dismissed Plaintiff's complaint with leave to amend and directed Plaintiff to file a first amended complaint within 30 days. See ECF No. 8. Thereafter, the Court granted Plaintiff three extensions of time to file a first amended complaint. See ECF Nos. 10, 12, and 14. As of September 7, 2021, Plaintiff had not filed a first amended complaint within the extended deadline and the Court issued findings and recommendations that this action be dismissed for lack of prosecution and failure to comply with court rules and orders. See ECF No. 17.

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1 Plaintiff filed timely objections to the findings and recommendations on  
2 September 16, 2021. See ECF No. 18. In his objections, Plaintiff states that he has been having  
3 difficulty complying with the Court's deadlines due to the COVID-19 pandemic, which has  
4 resulted in lock-downs in the prison and limited movement. See id. Good cause appearing  
5 therefor, the September 7, 2021, findings and recommendations will be vacated and Plaintiff will  
6 be granted additional time to file a first amended complaint.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. The findings and recommendations issued on September 7, 2021, are  
9 vacated; and
- 10 2. Plaintiff shall file a first amended complaint within 45 days of the date of  
11 this order.

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13 Dated: October 13, 2021



14 DENNIS M. COTA  
15 UNITED STATES MAGISTRATE JUDGE  
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